

**RESPONSE TO COMMENTS RECEIVED ON THE
NEGATIVE DECLARATION FOR THE DOVE HILL ASSISTED LIVING
GENERAL PLAN AMENDMENT
FILE NO. GP08-08-03**

**LIST OF AGENCIES & ORGANIZATIONS COMMENTING ON
THE INITIAL STUDY**

1. Kimberly Brosseau, Planner III, County of Santa Clara Parks and Recreation Department.

**RESPONSES TO COMMENTS RECEIVED ON THE INITIAL
STUDY**

The following section includes all of the comments on the Initial Study that were received by the City of San Jose during the review period. The comments have been excerpted from the letters and are presented as "Comment" with each response directly following "Response". The actual letters submitted follow the responses to the comments.

Letter 1 from the County of Santa Clara Parks and Recreation Department

Comment 1-1

Noted. As shown on the Errata section attached to this letter, the *Santa Clara County Countywide Trails Master Plan Update* has been included in the discussion of regulatory documents in the Public Services and Recreation sections of the proposed MND.

Comment 1-2

Comment noted. As shown on the Errata section attached to this letter, the *Bay Area Ridge Trail* (R5-C) is described in the Setting sections of both the Public Services and Recreation sections of the Initial Study.

Comment 1-3

Comment noted. As shown on the Errata section attached to this letter, the *Coyote Creek Llagas Sub-regional Trail* (S5) is described in the Setting sections of both the Public Services and Recreation sections of the Initial Study.

Comment 1-4

The proposed extension of the municipal sewer lines is described more completely in the Utilities and Services section of the Initial Study. This environmental review document is for a General Plan Amendment; the actions requested under this Project do not include development

approval, therefore, the proposed sanitary sewer connection has not yet been designed. The project will be required to undergo additional environmental review for the Planned Development (PD) zoning phase, which will require a more detailed Project Description. The proposed SS connection will be described more fully in that phase.

Comment 1-5

Comment noted. See response to Comment 1-7 below. The project applicant does not intend to request that any land entitlements be conveyed to the City by the County. As noted in the response to Comment 4 above, the proposed project will require additional environmental review in order to obtain PD zoning for the project site. If the applicant decides at that phase of the project to change the project description in order to pursue a sanitary sewer connection through Hellyer County Park, then the environmental analysis for the subsequent PD rezoning will provide a complete analysis of any potential impacts that may entail. In that event, the Santa Clara County Parks & Recreation Department will be listed as an agency whose approval is required.

Comment 1-6

Comment noted. See attached Errata.

Comment 1-7

Comment noted. At this time, the project applicant does not intend to pursue the option of obtaining easements through Hellyer County Park. The applicant is aware that the County Parks Department does not grant entitlements through public parkland to private entities for private development projects, and that the conveyance of any entitlement would be subject to conditions mutually agreed upon between the City and County. This Initial Study was prepared for a proposed General Plan Amendment; therefore, the project has not yet been designed in detail. As noted in the response to Comment 1-4 above, the proposed project will require additional environmental review in order to obtain a PD zoning for the project site. The proposed sanitary sewer system will be described more fully in that phase of the project.

Errata

The following are minor text changes, additions or modifications made to the Dovehill Assisted Living Facility GPA Initial Study.

Deletions are noted by ~~strike through~~; additions are underlined.

Public Services

Parks (Page 176)

In addition to the City's *General Plan* policies, future development resulting from the proposed land use designation shall be required to comply with the following City Ordinances:

- City's Park Impact Ordinance (PIO) and/or Park Dedication Ordinance (PDO) requirements.

The Santa Clara County Countywide Trails Master Plan Update, an element of the Parks and Recreation section of the County General Plan, also provides development guidance and policy directives and implementation strategies for the Countywide Trails Master Plan. The Santa Clara County Countywide Trails Master Plan Update includes Strategy #6: Facilitate Inter-jurisdictional Coordination, with the specific objective to "Coordinate trails planning within the County as well as within adjacent jurisdictions" and provides the following policy:

PR-TS 6.1: Trail planning, acquisition, development and Management of trail routes shown on the Countywide Trails Master Plan Map should be coordinated among various local, regional, state and federal agencies which provide trails or funding for trails.¹

The City of San José General Plan 2020, prepared in 2008, is consistent with this policy. The San José General Plan Land Use / Transportation Diagram (Chapter 5), states the following:

"Portions of the Bay Trail and portions of the short term alignment of the Ridge Trail are already included on the Scenic Routes and Trails Diagram. The City should continue to work with other agencies in the development of a short term alignment for the Ridge Trail connection across North Coyote Valley between the foothills of the Santa Cruz Mountains and the Diablo Range and a long term alignment for the Ridge Trail through the Santa Cruz Mountains and the Diablo Range within the City's Sphere of Influence."²

¹ Santa Clara County, *Countywide Trails Master Plan Update*, p. 39, November 1995.

² San José *General Plan 2020, Land Use / Transportation Diagram*, p. 272, 2008.

Recreation (Page 183)

| Environmental Factors and Focused Questions for Determination of Environmental Impact | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------------|---|------------------------------------|----------------|
| XIV. RECREATION — | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | [] | [] | [] | [✓] |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | [] | [] | [✓] | [✓] |

Introduction (Page 184)

In addition to the City's *General Plan* policies, future development resulting from the proposed land use designation shall be required to comply with the following City Ordinances:

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³ Santa Clara County, *Countywide Trails Master Plan Update*, p. 39, November 1995.

⁴ San José *General Plan 2020, Land Use / Transportation Diagram*, p. 272, 2008.

Setting (p. 184)

As described above, there are five parks within a one-mile radius of the project site: Melody Park (two acres), located at LaTorre Avenue and Nokomis Drive, approximately 0.7 mile southwest of the project site; Hellyer Park & Coyote Creek Trail (205 acre County park), located at 985 Hellyer Road, approximately 0.4 mile west of the project site; Ramblewood Park (9.3 acres), located at Dundale Drive and Kinsule Court, approximately 0.6 mile northwest of the project site; Dove Hill Park (3.9 acres), located at Carick Place Way and Ravens Place Way, approximately 0.75 mile north of the project site; and Silver Creek Linear Park (35 acres), located at Silver Creek Road and Yerba Buena Road, approximately 0.9 mile northeast of the project site.

There are also two County-wide trail routes located in the vicinity of the Project site. The *Bay Area Ridge Trail* (R5-C) and *Coyote Creek Llagas Sub-regional Trail* are both designated as a trail routes within other public lands for hiking, off-road cycling and equestrian use. In the vicinity of the project site, these trails pass through Hellyer & Coyote Creek Park.

County of Santa Clara

Parks and Recreation Department

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Los Gatos, California 95032-7669
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Reservations (408) 355-2201
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March 25, 2010

City of San Jose
Department of Planning, Building, and Code Enforcement
Planning Division
Attn: Lesley Xavier, Project Manager
200 East Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113-1905

Subject: Notice of Intent to Adopt a Negative Declaration for the Dove Hill Assisted Living Facility General Plan Amendment (File No. GP08-08-03)

Dear Ms. Xavier:

The County of Santa Clara Parks and Recreation Department ("County Parks Department") is in receipt of the Notice of Intent to Adopt a Negative Declaration for the Dove Hill Assisted Living Facility General Plan Amendment (File No. GP08-08-03) in San Jose. The County Parks Department's comments are primarily focused on potential impacts related to the *Santa Clara County Countywide Trails Master Plan Update* relative to countywide trail routes, public access, and regional parks.

The Negative Declaration should include a discussion related to the *Santa Clara County Countywide Trails Master Plan Update* ("Countywide Trails Master Plan Update"), an element of the Parks and Recreation Section of the County General Plan that the County of Santa Clara Board of Supervisors adopted on November 14, 1995.

Comment 1-1

The Negative Declaration should describe the following proposed countywide trail route located in the vicinity of the project site, which offers opportunities for non-motorized transportation connections to the surrounding neighborhoods, parks, trails, and open space areas.

Comment 1-2

- **Bay Area Ridge Trail (R5-C)** – Per the *Countywide Trails Master Plan Update*, the route is designated as a trail route within other public lands for hiking, off-road cycling and equestrian use.



Board of Supervisors: Donald P. Gage, George Shigakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith



- **Coyote Creek Llagas Sub-regional Trail (S5)** – Per the *Countywide Trails Master Plan Update*, the route is designated as a trail route within other public lands for hiking, off-road cycling and equestrian use.

Comment 1-3

PROJECT DESCRIPTION

Utilities

Page 9 states that “the proposed project includes the extension of municipal sewer lines to the project site and connection to the municipal wastewater system.”

Comment 1-4

This section should include a description of how the municipal sewer lines will be connected from the municipal wastewater system to the project site.

Other Agencies Whose Approval is Required

Page 10 should list the County of Santa Clara Parks and Recreation Department if any land entitlement (e.g. easement for public sanitary system) is planned to be conveyed by the County to the City.

Comment 1-5

XV. RECREATION

Impact Analysis:

Page 185 states that “future development under the proposed land use designation shall comply with applicable General Plan policies. The City’s PDO and/or PIO shall be applied to the project, if applicable, an exemption shall be applied pursuant to Part 6 of each ordinance, otherwise the project would be required to provide park impact fees or dedicate parkland pursuant to each ordinance. Therefore, would not result in significant recreational impacts; this impact is considered *less than significant*.”

Comment 1-6

The above statement conflicts with the box checked under Recreation(a) on page 183 which is no impact. The box under Recreation (a) should be checked *Less Than Significant Impact*, rather than *No Impact*.

XVI. UTILITIES AND SERVICES:

Setting

Page 200 states that “sewer lines in the area are provided and maintained by the City of San Jose. Currently, there are no sewer lines serving the project site; sewage on the project site is currently provided by a septic tank and leach field. The nearest sewer line is six-inches in diameter and located in Thornbury Lane, in the Ranch at Silver Creek residential development.”

Impact Analysis

Page 201 states that “future development on the project site would require an extension of the project’s sanitary sewer (SS) line to the City’s existing SS system. The proposed project intends to extend project SS system within the existing alignment of Hassler Parkway. The San Jose Department of Public Works indicates that the City does not currently have plans to bring SS service to the project site and that this project cannot consider that there will be service available at the corner of Hassler Parkway and Dove Hill Road, the intersection closest to the project site. The project sponsor proposes, therefore to pump SS flows up Hallser Parkway to connect with

Comment 1-7

the public SS system near Hassler Parkway and Trestlewood Drive.”

County Parks Staff had previous correspondence with the developer and City of San Jose Public Works staff in March and April of 2009, at which time the developer was discussing the option of an easement through the County Parks Department's property (Hellyer County Park) for an extension of the sanitary sewer line from McLaughlin Avenue to the project site. However it appears from the information included in the Impact Analysis section of the Negative Declaration that the developer is alternatively pursuing a connection to the sanitary sewer line near Hassler Parkway and Trestlewood Drive.

Comment 1-7,
Cont'd

If the developer were to pursue a connection through Hellyer County Park, a request must first be submitted to the County Parks Department from the City of San Jose. The County Parks Department does not grant entitlements through public parkland to private entities for private development projects. The conveyance of a future entitlement would be subject to conditions mutually agreed upon by the City and the County.

Thank you for the opportunity to comment on the Negative Declaration for the Dove Hill Assisted Living Facility General Plan Amendment. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at Kimberly.Brosseau@prk.sccgov.org.

Sincerely,



Kimberly Brosseau
Park Planner III

cc: Jane Mark, Senior Planner
Julie Mark, Deputy Director of Administration
Tim Heffington, Senior Real Estate Agent
Ian Champeny, Associate Real Estate Agent
Vivian Tom, City of San Jose Public Works